

OAKLAND
COUNTY 11-121179-NO
JUDGE JAMES M. ALEXANDER
WHITE, PATRICIA v. SUNRISE ROCHE

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PATRICIA WHITE

Plaintiff

vs

SUNRISE ROCHESTER
ASSISTED LIVING, LLC,

Defendant

GREGORY T. YOUNG (P40125)
DOUGLAS WEISS (P63601)
WEAVER & YOUNG, P.C.
Attorneys for Plaintiff
32770 Franklin Road
Franklin, MI 48025
(248) 855-1500

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NO

COMPLAINT AND JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

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NOW COMES the above-named Plaintiff, by and through Plaintiff's attorneys, WEAVER & YOUNG, P.C., and for this Complaint against the

Defendant herein, states as follows:

COMMON ALLEGATIONS

1. Plaintiff was at all times relevant herein a resident of the County of Oakland, State of Michigan.

2. The Defendant, SUNRISE ROCHESTER ASSISTED LIVING, LLC, has an office and conducts business in the City of Rochester, County of Oakland, State of Michigan.

3. The Defendant, SUNRISE ROCHESTER ASSISTED LIVING, LLC, on or about January 18, 2011, owned and maintained a building, at an address of 500 E. University Drive located in the City of Rochester, in the County of Oakland, State of Michigan.

4. This Complaint is based upon a slip and fall accident which occurred on or about January 18, 2011, in the County of Oakland, State of Michigan.

5. The injuries and damages sustained by the Plaintiff exceed Twenty Five Thousand (\$25,000.00) Dollars excluding interest, costs, and attorney fees, and jurisdiction and venue is proper with this Court.

COUNT I
NEGLIGENCE

6. The Plaintiff restates and realleges the foregoing paragraphs as if fully set forth herein in their entirety.

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7. On or about January 18, 2011, Defendant owned and/or maintained the premises located at 500 E. University Drive, in the City of Rochester, County of Oakland, State of Michigan.

8. It was the duty of the Defendant to provide a safe place for invitees such as the Plaintiff and others similarly situated and to exercise due care in the operation and maintenance of said premises so as to prevent injury to its invitees/licensees and others lawfully on the premises.

9. Defendant had a duty to Plaintiff and others as invitees/licensees, to inspect for dangerous conditions and to warn Plaintiff and others of dangerous conditions of which it knew or should have known.

10. Defendant had a duty to Plaintiff and others to correct any and all defective conditions on the premises of which they knew, and of which they were told about, and of which they should have known about.

11. Notwithstanding said duties, Defendants breached their duties including, but not limited to, the following particulars:

- a. Negligently maintaining a dangerous and defective condition on a portion of the premises where they knew or should have known invitees would traverse.
- b. Failing to take precautionary measures to correct or alleviate unsafe conditions caused by ice covered sidewalk.
- c. Failing to keep the sidewalk, in a safe and habitable condition.
- d. Negligently ignoring requests by the Plaintiff and others to correct the defective conditions.
- e. Performing other acts of negligence not yet known by Plaintiff, but which will be ascertained during the discovery

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of said litigation.

12. As a direct and proximate result of the negligence of the Defendant, the Plaintiff, on or about January 18, 2011, slipped and fell due to an ice covered sidewalk thereby sustaining severe personal injuries including, but not limited to, the following:

- a. Injuries to her shoulder, her neck, low back and a closed head injury.
- b. Injuries to the neck, back, arms, legs, body, eyes, head, bruises, abrasions, lacerations and contusions to the legs and head, injuries to muscles, ligaments and nerves of the arms, legs, neck, spine and back, convulsions and severe shock and injury to the nervous system.
- c. Severe emotional shock, stress and physiological as well as psychiatric problems such as depression;
- d. Loss of wages and wage earning capacity as well as numerous medical expenses.
- e. Other injuries to be determined upon further discovery.

13. Prior to the aforementioned incident, the Plaintiff was a reasonably strong and healthy person, but because of the negligence of the Defendant and the injuries received, Plaintiff became ill, sore, and lame. Plaintiff has suffered and will continue to suffer pain, humiliation, embarrassment, mental anguish, gross indignity, and inconvenience because of the permanent nature of Plaintiff's injuries. Plaintiff has also suffered and/or may yet suffer aggravation or activation of preexisting conditions and has suffered impairment of Plaintiff's earning capacity and has been forced to expend and will continue to expend considerable sums of money in an attempt to alleviate suffering.

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14. Plaintiff at all times was in the exercise of due caution and is free from any negligence.

WHEREFORE, Plaintiff prays for a judgment against the Defendant(s), of actual and consequential damages, as well as exemplary damages, to the extent they are not duplicative, in whatever amount in excess of Twenty Five Thousand (\$25,000.00) Dollars Plaintiff is deemed entitled to by this Honorable Court and/or jury, together with the costs, interest, and attorneys fees.

COUNT II
STATUTORY VIOLATION - MCL 554.139

15. Plaintiff hereby repeats and realleges each and every of the preceding paragraphs as though fully set forth herein in their entirety.

16. Pursuant to Michigan Statutes, including, but not limited to, MCL 554.139, it was the duty of the Defendant to keep and maintain the subject premises and all common areas fit for the use intended by the parties.

17. Pursuant to MCL 554.139 it was the duty of the Defendant to keep the subject premises including common areas in reasonable repair during the term of the lease, and to comply with the applicable health and safety laws of the state and of the local unit of government where the premises are located, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenants willful or irresponsible conduct or lack of conduct.

18. The Defendant, SUNRISE ROCHESTER ASSISTED LIVING, LLC, breached it's statutory duties including, but not limited to those duties set forth

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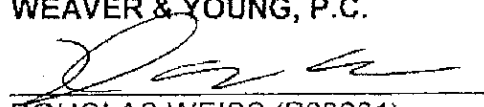
in MCL 554.139 by failing to keep and/or maintain the premises and/or all common areas fit for the use intended by the parties, and failed to keep the premises and/or all common areas in reasonable repair during the term of the subject lease between the parties.

19. As a result of the Defendant's breach of the above enumerated duties, Plaintiff suffered extremely severe injuries as set forth in Count I of this Complaint and which are adopted by reference herein.

WHEREFORE, Plaintiff prays for a judgment against the Defendant of actual and consequential damages, as well as exemplary damages, to the extent they are not duplicative, in whatever amount in excess of Twenty Five Thousand(\$25,000.00) Dollars Plaintiff is deemed entitled to by this Honorable Court and/or jury, together with costs, interest and attorney fees.

Respectfully submitted,

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Dated: 8-18-11

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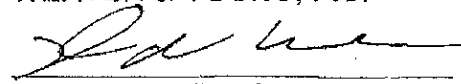
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JURY DEMAND

NOW COMES the Plaintiff, by and through Plaintiff's attorneys,
WEAVER & YOUNG, P.C., and hereby requests a jury trial in the above-
captioned matter.

Respectfully submitted,
WEAVER & YOUNG, P.C.



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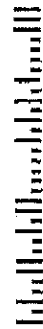
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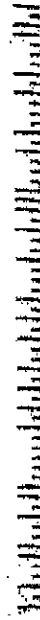


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